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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**

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7 ANTWION D. HANKINS,
8 Plaintiff,

9 v.

10 HYDRO CONDUIT, LLC,
11 Defendant.
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Case No. 2:18-cv-02034-APG-DJA

ORDER

13 Presently before the Court is Pro Se Plaintiff Antwion D. Hankins' Motion to Extend
14 Time to Find New Counsel (ECF No. 33), filed on August 20, 2019. The Court also considered
15 Defendant Hydro Conduit, LLC's Response (ECF No. 34), filed on September 4, 2019. Having
16 reviewed and considered the briefing, and good cause appearing, the Court will grant the Motion
17 and give Hankins additional time to obtain new counsel. Hankins must file a notice advising the
18 court whether he will proceed pro se or has obtained new counsel by October 22, 2019. Hankins
19 is reminded for a second time that unless and until he retains a new attorney, he is responsible for
20 all deadlines in this case.

21 Also before the Court is Defendant's Motion to Extend Discovery (ECF No. 32), filed on
22 August 19, 2019. To date, no response has been filed. Pursuant to Local Rule 7-2(d), failure to
23 file points and authorities in response to the motion "constitutes a consent to the granting of the
24 motion." LR 7-2(d). Moreover, the Court finds good cause to grant the extension of the
25 discovery for 60 days given the discovery outstanding and Defendant's attempts to obtain the
26 outstanding discovery from Hankins.

27 Finally, also before the Court is Defendant's Motion to Compel and for Sanctions (ECF
28 No. 31), filed on August 19, 2019. Defendant requests that Plaintiff provide updated discovery

responses, appear for his deposition, and be awarded sanctions for Plaintiff's failure to respond to written discovery requests. To date, no response has been filed. Pursuant to Local Rule 7-2(d), failure to file points and authorities in response to the motion "constitutes a consent to the granting of the motion." LR 7-2(d). Moreover, the Court finds that Plaintiff's failure to respond to Defendant's written discovery requests and appear for his properly noticed deposition violative of the Federal Rules of Civil Procedure warrants an order to compel. Plaintiff shall provide responses to Defendant's written discovery within 30 days of the Court order and Plaintiff shall appear for his deposition, to be properly noticed by Defendant.

However, the Court denies without prejudice Defendant's request for attorneys' fees and costs incurred in bringing the Motion to Compel (ECF No. 31). Plaintiff's complete failure to participate in the discovery process, by not appearing for his deposition or responding to written discovery, is not substantially justified. However, an award of fees may be unjust given the Court's order granting Plaintiff an extension of time to obtain new counsel or notify the Court that he will proceed in this case pro se. The denial of Defendant's request for fees is without prejudice to be renewed to the extent the case proceeds and Plaintiff continues to not participate in discovery.

IT IS THEREFORE ORDERED Plaintiff Antwion D. Hankins' Motion to Extend Time to Find New Counsel (ECF No. 33) is **granted**.

IT IS FURTHER ORDERED that by October 22, 2019, Hankins must file a written notice stating whether he intends to represent himself in this case. This requirement will be automatically vacated if a new attorney enters an appearance on behalf of Hankins by that date.

IT IS FURTHER ORDERED that the clerk of court must serve Hankins with this order.

IT IS FURTHER ORDERED that Defendant's Motion to Extend Discovery (ECF No. 32) is **granted**. The discovery cutoff is extended to November 8, 2019, the dispositive motions

1 deadline is extended to December 9, 2019, and the joint pretrial order deadline is extended to
2 January 7, 2020 or 30 days from a decision on dispositive motions to the extent any are filed.

3 IT IS FURTHER ORDERED that Defendant's Motion to Compel and for Sanctions (ECF
4 No. 31) is **granted in part and denied in part**.

5 DATED: October 8, 2019

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8 DANIEL J. ALBREGTS
9 UNITED STATES MAGISTRATE JUDGE
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